

1
2
3
4
5
6
7
8 UNITED STATES DISTRICT COURT
9 CENTRAL DISTRICT OF CALIFORNIA
10

11 BRANDON W. RACKLIFFE,) Case No. CV 15-05096-CAS (DTB)
12 Petitioner,)
13 vs.) ORDER TRANSFERRING ACTION TO
14 JOE A. LIZARRAGA, Warden,) UNITED STATES DISTRICT COURT
15 Respondent.) FOR THE EASTERN DISTRICT OF
16 CALIFORNIA

17 Petitioner, a California state prisoner currently incarcerated at Mule Creek
18 State Prison in Ione, California, filed a counseled Petition for Writ of Habeas Corpus
19 by a Person in State Custody herein on July 6, 2015.

20 The Petition purports to be directed to the legality of petitioner's 2011
21 conviction sustained in Fresno County Superior Court. (Petition at 2.)

22 Where a petition for writ of habeas corpus is filed by a person in custody under
23 the judgment and sentence of a State court of a State such as California which
24 contains two or more Federal judicial districts, it may be filed in either the judicial
25 district in which the petitioner is presently confined or the judicial district in which
26 he was convicted and sentenced. See 28 U.S.C. § 2241(d).

27 When a habeas petition is directed to the petitioner's underlying conviction or
28 sentence, the district court for the district in which the petitioner was convicted and

1 sentenced is a more convenient forum because of the accessibility of evidence,
2 records and witnesses. Thus, it generally is the practice of the district courts in
3 California to transfer habeas actions questioning state convictions/sentences to the
4 district in which the petitioner was convicted and sentenced. See Laue v. Nelson, 279
5 F. Supp. 265, 266 (N.D. Cal. 1968).

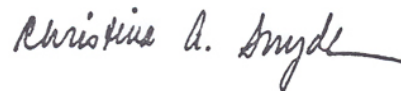
6 Petitioner was convicted and sentenced in Fresno County, which is within the
7 jurisdictional boundaries of the Eastern District of California. See 28 U.S.C. § 84(b).
8 Accordingly, the Petition was not properly filed in the Central District of California.

9 Therefore, pursuant to 28 U.S.C. §§ 1404(a) and 2241(d), and in furtherance
10 of the interest of justice,

11 IT IS ORDERED that the Clerk of this Court transfer this matter to the United
12 States District Court for the Eastern District of California.

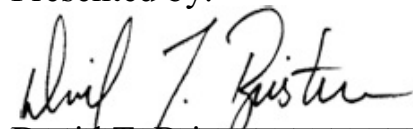
13 IT IS FURTHER ORDERED that the Clerk of this Court serve a copy of this
14 Order upon petitioner and upon the California Attorney General.

15
16 DATED: July 24, 2015



17
18 CHRISTINA A. SNYDER
UNITED STATES DISTRICT JUDGE

19 Presented by:

20
21 

22 David T. Bristow
United States Magistrate Judge